

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

KMART CORPORATION,)	
)	
Plaintiff,)	
)	
v.)	Case No. 08 C 866
)	
INTERNATIONAL HOME FASHIONS,)	Judge Robert M. Dow
INC.,)	
Defendant.)	Magistrate Judge Jeffrey Cole
)	
)	
)	
)	

MOTION FOR AN ORDER OF DEFAULT AND DEFAULT JUDGMENT
AGAINST INTERNATIONAL HOME FASHIONS, INC.

Plaintiff, Kmart Corporation ("Kmart"), by and through its counsel, Mark E. Enright and Jason B. Hirsh (Arnstein & Lehr LLP, *of Counsel*), pursuant to Fed. R. Civ. P. 55, hereby moves for an Order of Default and Default Judgment against Defendant, INTERNATIONAL HOME FASHIONS, INC. ("IHF"), and states as follows:

1. On February 22, 2008, Kmart personally served its Complaint upon IHF's registered agent. (Complaint, attached as Exhibit "A"; Return of Services, attached as Exhibit "B").
2. Pursuant to Fed. R. Civ. P. 12(a)(1)(A), IHF was required to an answer or otherwise plead by March 13, 2008.
3. To date, IHF has failed to appear and file an answer or other appropriate pleading in response to Kmart's complaint.

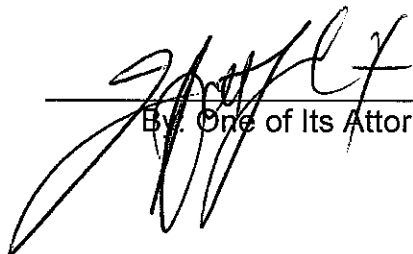
4. Pursuant to Fed. R. Civ. P. 55, Kmart, therefore, seeks an Order of Default against IHF for its failure to answer or otherwise plead to Kmart's Complaint and an Order setting a prove-up to present affidavits regarding damages.

WHEREFORE, Plaintiff, KMART CORPORATION, prays this Court grant this Motion, finding Defendant, INTERNATIONAL HOMES FASHIONS, INC., in default for failure to answer or otherwise plead and for this Court to set this matter for prove-up of Plaintiff's claims against Defendant.

DATE: MARCH 17, 2008

Respectfully submitted,

KMART CORPORATION



By One of Its Attorneys

Mark E. Enright
Jason B. Hirsh
Arnstein & Lehr LLP, of Counsel
120 S. Riverside Plaza
Suite 1200
Chicago, Illinois 60606
(312) 876-7100

CERTIFICATE OF SERVICE

I hereby certify that on March 17, 2007, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system and mailed a copy of Kmart Corporation's ***Motion for an Order of Default and Default Judgment Against International Home Fashions, Inc.*** on:

International Home Fashions, Inc.
c/o Ted Smith
507 W. State Street
Black Mountain, North Carolina 28711

Mr. W.O. Brazil, III
Cogburn & Brazil, P.A.
Central Avenue Professional Park
77 Central Avenue, Suite E (28801)
Post Office Box 120
Asheville, North Carolina 28802-0120

by depositing the same in the United States mail, first class postage prepaid, at 120 South Riverside Plaza, Chicago, Illinois on March 17, 2008.



Jason B. Hirsh

Arnstein & Lehr LLP, of Counsel
120 S. Riverside Plaza
Suite 1200
Chicago, Illinois 60606
(312) 876-7100
Attorney for Plaintiff